

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In the matter of the Application of

CREDIT SUISSE AG and LARA WARNER,

Petitioners,

NOTICE OF REMOVAL

-against-

For and Order, Pursuant to Article to Article 75
of the Civil Law and Practice Rules,

Removed from:
Supreme Court of the State of New York
County of New York,
Index. No. 650215/2021

COLLEEN A. GRAHAM,

Respondent.
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PLEASE TAKE NOTICE that Respondent Colleen A. Graham by and through her undersigned counsel, files this Notice of Removal to remove this action from the Supreme Court of the State of New York, County of New York to the United States District Court for the Southern District of New York pursuant to 28 U.S.C. §§ 1331, 1441 and 1446. The grounds for removal are as follows:

PROCEDURAL BACKGROUND

1. On January 12, 2021, Petitioners Credit Suisse AG ("CS AG") and Lara Warner ("Warner") commenced this action by filing a Notice of Petition ("N.O.P.") and Petition ("Petition") in the Supreme Court of the State of New York, County of New York, Index No. 650215/2021. True and correct copies of the N.O.P. and the Petition and all other process, pleadings and orders filed are attached hereto as Exhibit A.

2. In the Petition, CS AG and Warner seek a permanent stay of an arbitration filed by Graham before Judicial Arbitration and Mediation Services, Inc. ("JAMS") on December 22,

2020 (“JAMS II”). Credit Suisse and Warner simultaneously filed a request to seal.

3. Graham’s counsel accepted service of the N.O.P. and Petition on January 14, 2021.

GROUND FOR REMOVAL

4. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over this action based on federal question jurisdiction. Petitioners claim in their Petition that respondent should be enjoined from arbitrating JAMS II under section 10 of the Federal Arbitration Act (“FAA”). Respondent contests this interpretation of the FAA.

5. Graham is an individual residing in the State of New York.

6. CS AG is a global financial services company incorporated under the laws of Switzerland with its principal place of business in Zurich, Switzerland.

7. Warner is Chief Risk and Compliance Officer and a member of CS AG’s Executive Board. Warner is a citizen of the foreign State of Switzerland, where she resides.

8. This Court has subject matter jurisdiction over this action because it presents substantial questions of federal law, specifically the Federal Arbitration Act.

THE PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN SATISFIED

9. CS AG and Warner commenced this action on January 12, 2021, by filing the N.O.P. and Petition in the Supreme Court for the State of New York, County of New York, Index No. 650215/2021. I accepted service of the papers on January 14, 2021. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty days of the date the action was filed.

10. In accordance with 28 U.S.C. § 1446(d), upon the filing of this Notice of Removal with this Court, Graham will give prompt written notice to all adverse parties and file a

copy of this Notice of Removal with the Supreme Court of the State of New York, County of New York.

WHEREFORE, respondent Graham respectfully submits that this action is now removed from the Supreme Court of the State of New York, County of New York and is properly before the United State District Court for the Southern District of New York, and that all further actions should take place before this Court.

Dated: New York, New York
January 14, 2021

Respectfully submitted,

KRAUS & ZUCHLEWSKI LLP

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